

August 03, 2010

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

Signed: August 03, 2010

MELODIE A. WHITSON (CA SBN 253092)  
 PITE DUNCAN, LLP  
 4375 Jutland Drive, Suite 200  
 P.O. Box 17933  
 San Diego, CA 92177-0933  
 Telephone: (858) 750-7600  
 Facsimile: (619) 590-1385

  
 ALAN JAROSLOVSKY  
 U.S. Bankruptcy Judge

Attorneys for BANK OF AMERICA NATIONAL ASSOCIATION AS SUCCESSOR BY  
 MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE  
 FOR MORGAN STANLEY MORTGAGE LOAN TRUSTS 2006-6AR

## UNITED STATES BANKRUPTCY COURT

## NORTHERN DISTRICT OF CALIFORNIA - SANTA ROSA DIVISION

In re

AGUSTIN SANTANA AND MARIA  
 CHAVEZ DE SANTANA,

Case No. 10-10113-AJ

Chapter 13

R.S. No. MAW-1939

CONDITIONAL ORDER ON MOTION  
 FOR RELIEF FROM AUTOMATIC STAY

DATE: July 8, 2010

TIME: 9:00 am

Northern District of California - Santa Rosa  
 Division  
 United States Bankruptcy Court  
 99 South "E" Street  
 Santa Rosa, CA 95404-6524

Debtor(s).

The above-captioned matter came on for hearing on July 8, 2010, at 9:00 AM, upon the Motion of Bank of America National Association as Successor by Merger to LaSalle Bank National Association, as Trustee for Morgan Stanley Mortgage Loan Trusts 2006-6AR ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Agustin Santana and Maria Chavez de Santana ("Debtors") commonly known as 2607 Marlow Road, Santa Rosa, California 95403 (the "Real Property"), which is legally described as follows:

1                   SEE LEGAL DESCRIPTION AS EXHIBIT TO PROPOSED  
2                   CONDITIONAL ORDER ON MOTION FOR RELIEF FROM  
                  AUTOMATIC STAY, DOCKET ENTRY NUMBER 22.

3           Appearances as noted on the record.

4           Based on the arguments of counsel, and good cause appearing therefor,

5           IT IS HEREBY ORDERED:

6           1.       Debtors shall bring the loan completely post-petition current on or before  
7   September 6, 2010, or the automatic stay of 11 U.S.C. § 362, shall be terminated;

8           2.       If Debtors bring the loan completely post-petition current on or before September  
9   6, 2010, Movant may restore its Motion for Relief from Automatic Stay upon a future default;

10          3.       In the event the automatic stay is terminated, Movant shall be authorized to  
11   foreclose its security interest in the Real Property under the terms of the Note and Deed of Trust,  
12   and pursuant to applicable state law;

13          4.       In the event the automatic stay is terminated, the 14-day stay provided by  
14   Bankruptcy Rule 4001 (a)(3) shall be waived;

15          5.       Post-petition attorneys' fees and costs for the within motion may be added to the  
16   outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

17          6.       Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant  
18   may proceed in State Court for unlawful detainer pursuant to applicable state law;

19          7.       In the event the automatic stay is terminated, the Chapter 13 Trustee shall cease  
20   making any payments in regard to Movant's claim filed in this bankruptcy case;

21          8.       Movant may offer and provide Debtors with information re: a potential  
22   Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss  
23   Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may  
24   not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal  
25   liability is discharged in this bankruptcy case; and

26          9.       This Order shall be binding and effective despite any conversion of this  
27   bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

28                               \*\* END OF ORDER \*\*